

REMARKS

In accordance with the foregoing, claims 1-5, 8-12, 14, 16-19, 21, 23 and 24 have been amended. Voluntary amendments to the claims reciting a "redundant second computer" have been made to provide consistent claim language throughout the claims. As the claims were not rejected for indefiniteness, this change in wording does not affect patentability. Claims 6, 7 and 25 have been cancelled without prejudice or disclaimer. New claims 26-28 have been added. Thus, claims 1-5, 8-24 and 26-28 are pending and under consideration. Reconsideration is respectfully requested.

CLAIM REJECTIONS UNDER 35 USC § 103:

The Office Action rejected claims 1-6 and 8-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,549,921, issued to "Ofek" (hereinafter referred to as "Ofek"), in view of U.S. Patent No. 6,901,519, issued to Stewart et al. (hereinafter referred to as "Stewart"). The Applicant respectfully traverses the Office Action's rejections of the remaining claims.

Amended independent claim 1 of the claimed invention, recites the following feature:

at least one computer-to-network connection to connect both the first and second computers to the data communications network independent from the computer-to-computer connection so that receipt of any data from the data communications network is limited to the first computer and transmission of any data to the data communications network is limited to the redundant second computer; wherein at least an initial processing of the data received from the data communications network is limited to the first computer.

The Applicant respectfully submits that neither Ofek nor Stewart disclose or suggest at least this feature of claim 1 and its corresponding dependent claims. As acknowledged on page 3 of the Office Action, Ofek fails to disclose this feature. Further, Stewart at column 5, lines 52-64, states:

Each Sacrificial PC is configured with two hard drives. Each hard drive is configured with a single active partition and contains a safe copy of the operating system obtained from the read-only device (110). The designated active partition-defined at start up is "toggled" between the two physical hard drives. This is done to increase the speed of reloading and to maximize the availability of sacrificial PCs. The unused drive, which is the one used to test the last attachment is reloaded, via ghosting software (310), with a fresh copy of the operating system obtained from the read only CD ROM (110). The connection between the Gatekeeper (102) and the sacrificial PC (105) is then re-established.

Stewart fails to disclose this claimed feature as well. For example, in Stewart, the second computer, a “sacrificial PC” (as described in Stewart) is not “redundant” to the “first computer” being a “Gatekeeper e-mail server” (as described in Stewart).

Therefore, neither Ofek nor Stewart teach the feature of:

at least one computer-to-network connection to connect both the first and second computers to the data communications network independent from the computer-to-computer connection so that receipt of any data from the data communications network is limited to the first computer and transmission of any data to the data communications network is limited to the redundant second computer; wherein at least an initial processing of the data received from the data communications network is limited to the first computer

as recited in claim 1.

Further, Ofek and Stewart fail to disclose or suggest at least the following feature of the claimed invention:

a virus is detected on the first computer by a comparison of the first and second work results, where the first computer is restored to a virus-free state by copying a state of the redundant second computer onto the first computer.

The Applicant respectfully submits that neither Ofek nor Stewart disclose or suggest at least this feature of claim 1. For example, Ofek discusses a “backup management system which uses two identical locations (one remote) to backup data” (ABSTRACT of Ofek). Ofek makes no mention of “computer viruses” or restoring a first computer to a virus-free state” as recited in claim 1.

Similar to Ofek, Stewart fails to disclose this feature of claim 1. As noted above, Stewart discussed a specific “ghosting reload of the operating system” wherein a second computer has “two hard drives and each hard drive is configured to contain a safe copy of the operating system” (as described in column 5, lines 52-64 of Stewart). In Stewart, when a file corruption occurs, a computer uses a “second unused drive to reload the operating system via ghosting software” to remove any potential threats. There is no connection between computers that is used to restore one of the computers to a “virus-free state” and no mention of using a “second redundant computer” to do so as taught by claim 1. This is further evidenced in column 5, lines 52-64 of Stewart which discusses that a connection between a “gatekeeper computer and the sacrificial PC is re-established” after “reloading the operating system via ghosting software.”

Therefore, both Ofek and Stewart fail to disclose the following feature

when a virus is present on the first computer, the virus is detected from a comparison of the first and second work results and the first computer is restored to a virus-free state by copying a state of the redundant second computer onto the first computer

as recited in the claim 1. As claims 2-5, 10-15 and 23 depend from claim 1, claims 2-5, 10-15 and 23 also distinguish over Ofek and Stewart at least for the reasons discussed above.

NEW CLAIMS 26-28:

Independent claim 26 recites a method comprising:

establishing a computer-to-computer connection between a first computer and a redundant second computer;

comparing a first work result of the first computer with a second work result of the redundant second computer;

establishing at least one computer-to-network connection between a data communications network and both of the first computer and the redundant second computer, independent from the computer-to-computer connection, so that receipt of any data from the data communications network is limited to the first computer, and transmission of any data to the data communications network is limited to the redundant second computer;

limiting at least an initial processing of data received from the data communications network to the first computer; and

transmitting from the first computer to the redundant second computer any non-verified data and non-verifiable data received by the first computer only in non-processable form.

Therefore, it is submitted that claim 26 patentably distinguishes over Ofek and Stewart for reasons similar to those discussed above with respect to claim 1. As claims 8, 9, 16-22 and 24 depend from claim 26, claims 8, 9, 16-22 and 24 also distinguish over Ofek and Stewart at least for the reasons discussed above.

Independent claim 27 recites a method comprising:

establishing a computer-to-computer connection between a first computer and a redundant second computer;

comparing a first work result of the first computer with a second work result of the redundant second computer;

establishing at least one computer-to-network connection between a data communications network and both of the first computer and the redundant second computer, independent from the computer-to-computer connection, so that receipt of any data from the data communications network is limited to the first computer, and transmission of any data to the data communications network is limited to the redundant second computer;

transmitting from the first computer to the redundant second computer any non-verified data and non-verifiable data received by the first computer only in non-processable form;

detecting a virus on the first computer based on a comparison result of said comparing of the first and second work results; and

restoring the first computer to a virus-free state, if a virus is detected, by copying a state of the redundant second computer onto the first computer.

Therefore, it is submitted that claim 27 patentably distinguishes over Ofek and Stewart for reasons similar to those discussed above with respect to claim 1. As claim 28 depends from

claim 27, claim 28 also distinguishes over Ofek and Stewart at least for the reasons discussed above.

Summarily, it is respectfully submitted that all the aforementioned claims patentably distinguish over each of the cited references, and thus over their combination. Withdrawal of the §103 rejections and allowance of all claims is respectfully requested.

Further, the Applicant respectfully submits that there is no motivation to combine the cited references. The Office Action stated that the combination of the references would be obvious to “eliminate the threat of new undetectable viruses.” However, the operation of the system and methods of these cited references present dissimilarities as Ofek and Stewart describe different systems for transmitting data for different purposes. For example, Ofek discusses a “backup management system which uses two identical locations (one remote) to backup data” (Abstract of Ofek). While there may be a network connection and transmission of data between storage facilities, there appears to be no transmission of data received from outside sources (including non-verified data). Furthermore, Ofek appears to make no mention of “matching” data provided from one system to another as a method of secure transmission. It simply references making a “point-in-time backup from one storage facility to another of identical files” (column 3, lines 60-64 of Ofek). Security of the backup files appears to be a separate issue not relevant to Ofek.

On the other hand, Stewart describes protecting “a network from e-mail viruses through the use of a sacrificial server” (Abstract of Stewart). As there appears to be no threat of “e-mail viruses” in the backup system configuration discussed in Ofek, there would be no motivation to add the virus protection of Stewart to the backup system of Ofek. Thus, one of ordinary skill in the art would have no incentive to combine Ofek and Stewart absent improper hindsight in light of the present claimed invention.

Therefore, as there is no requisite motivation to combine the references cited by the Office Action, the Applicant respectfully request the withdrawal of the § 103 rejections, for this additional reason.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

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By: _____



Jason E. Becker
Registration No. 66, 632

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501